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8 Attorneys for Defendants A.G. Spanos  
9 Construction, Inc.; A.G. Spanos  
Development, Inc.; A.G. Spanos  
10 Land Company, Inc.; A.G. Spanos  
Management, Inc., The Spanos Corporation  
11

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 National Fair Housing Alliance, Inc., et al.,	)	CASE NO. C07-03255-SBA
	)	
15 Plaintiffs,	)	AMENDED NOTICE OF MOTION
	)	AND MOTION OF A.G. SPANOS
16 vs.	)	CONSTRUCTION, INC.; A.G.
	)	SPANOS DEVELOPMENT, INC.; A.G.
17 A.G. Spanos Construction, Inc., et al.	)	SPANOS LAND COMPANY, INC.;
	)	A.G. SPANOS MANAGEMENT, INC.,
18 Defendants.	)	AND THE SPANOS CORPORATION
	)	TO DISMISS PLAINTIFFS' FIRST
	)	AMENDED COMPLAINT FOR
	)	FAILURE TO JOIN NECESSARY AND
	)	INDISPENSABLE PARTIES

19  
20  
21 [Fed. R. Civ. P., Rules 12(b)(7) & 19]]

22 Hearing Date: March 11, 2008  
23 Time: 1:00 p.m.  
24 Dept.: Courtroom 3

Complaint Filed: June 20, 2007

25 **TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:**

26 **PLEASE TAKE NOTICE** that on March 11, 2008, at 1:00 p.m., or as soon thereafter  
27 as this matter may be heard, in Courtroom 3 of the above-entitled court, located at 1301 Clay  
28 Street, 3<sup>rd</sup> Floor, Oakland, California, Defendants A.G. Spanos Construction, Inc., A.G.

Spanos Development, Inc., A.G. Spanos Land Company, Inc., A.G. Spanos Management, Inc., and The Spanos Corporation ("Spanos Defendants") will and hereby do move this court, pursuant to rule 12(b)(7) of the Federal Rules of Civil Procedure, for an order dismissing Plaintiffs' National Fair Housing Alliance, Inc., Fair Housing Of Marin, Inc., Fair Housing Napa Valley, Inc., Metro Fair Housing Services, Inc., Fair Housing Continuum, Inc. ("Plaintiffs") First Amended Complaint for failure to join necessary and indispensable parties.

The basis of this Motion, as set forth more fully in the Memorandum of Points and Authorities, filed on December 21, 2007, is that: (1) the current owners of the affected properties, as well as the tenants living in the affected properties and the lenders whose loans are secured by the affected properties, are necessary and/or indispensable parties to this action, in which plaintiffs seek, among other things, an injunction requiring the rebuilding or retrofitting of the affected properties, and (2) plaintiffs have failed to join the current owners, tenants and secured lenders.

This Motion will be based upon this Amended Notice of Motion and Motion, the Memorandum of Points and Authorities in support of this Motion, the Request for Judicial Notice in support of this Motion, and the pleadings, orders, records and documents on file in this case, as well as such oral and documentary evidence as may be properly presented at the time of the hearing on this Motion.

Opposition, if any, to the granting of the motion must be served and filed not less than twenty-one (21) days before the hearing date. If the party against whom the motion is directed does not oppose the motion, that party must file with the Court a Statement of Nonopposition within the time for filing and serving any opposition. *See* Local Rule 7-3(a) and 7-3(b).

Dated: January 7, 2008

FREEMAN, D'AIUTO, PIERCE, GUREV,  
KEELING & WOLF

By 

THOMAS H. KEELING

Attorneys for Defendants A.G. Spanos Construction, Inc.; A.G. Spanos Development, Inc.; A.G. Spanos Land Company, Inc.; A.G. Spanos Management, Inc., The Spanos Corporation